

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID GORDON CANTRELL

Plaintiff,

v.

WASHINGTON STATE
ADMINISTRATORS, et al.,

Defendants.

CASE NO. C07-5570BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION
AND DENYING
APPLICATION TO PROCEED
IN FORMA PAUPERIS AND
MOTION FOR EXTENSION
OF TIME

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 8). The Court has considered the Report and Recommendation, Plaintiff's application (Dkt. 1) and motion (Dkt. 3), and the remainder of the file and hereby adopts the Report and Recommendation and denies Plaintiff's application and motion for the reasons stated herein.

I. BACKGROUND AND DISCUSSION

On October 12, 2007, Mr. Cantrell filed an application to proceed in forma pauperis. Dkt. 1. Mr. Cantrell was informed that his application was deficient for several reasons, including Mr. Cantrell's failure to provide a certified copy of his prison trust account statement. Dkt. 2. Mr. Cantrell then moved for an extension of time to acquire the requisite copy. Dkt. 3.

Magistrate Judge Strombom recommends denial of the application and motion pursuant to 28 U.S.C. § 1915(g) because Mr. Cantrell has had three prior cases dismissed

1 as frivolous. Dkt. 8 at 2. Mr. Cantrell has not filed objections to the Report and
2 Recommendation.

3 A prisoner may not proceed in forma pauperis if three or more of the prisoner's
4 prior actions were dismissed as frivolous or for failure to state a claim:

5 (g) In no event shall a prisoner bring a civil action or appeal a
6 judgment in a civil action or proceeding under this section if the prisoner
7 has, on 3 or more prior occasions, while incarcerated or detained in any
8 facility, brought an action or appeal in a court of the United States that was
dismissed on the grounds that it is frivolous, malicious, or fails to state a
claim upon which relief may be granted, unless the prisoner is under
imminent danger of serious physical injury.

9 28 U.S.C. § 1915(g).


10 In this case, at least three actions brought by Mr. Cantrell have been dismissed as
11 frivolous. *See Cantrell v. Subdivision Agency Agents*, No. 05-5459RBL Dkt. 19 (Order
12 adopting Report and Recommendation recommending dismissal of frivolous complaint);
13 *Cantrell v. Dimmick*, No. 94-0135BJR Dkt. 4 (Order dismissing complaint as frivolous);
14 *Cantrell v. Sweigert*, No. 93-1835WLD Dkt. 6 (Order dismissing complaint as frivolous).

15 II. ORDER

16 Therefore, it is hereby

17 **ORDERED** that the Court **ADOPTS** the Report and Recommendation (Dkt. 8),
18 Plaintiff's Application to Proceed in Forma Pauperis (Dkt. 1) is **DENIED**, and Plaintiff's
19 Motion for Extension of Time (Dkt. 3) is **DENIED**. Plaintiff has thirty days from the date
20 of this order to pay the full \$350.00 filing fee. If the filing fee is not received in thirty
21 days, the Clerk's office is instruction to dismiss this action without prejudice. The Clerk
22 is directed to note a date on Judge Strombom's calendar thirty days from today so that
23 this action can be tracked.

24 DATED this 25th day of January, 2008.

25
26 
27 BENJAMIN H. SETTLE
28 United States District Judge